

DR.LAKSHMI ARUNACHALAM

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*Pro Se* Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DR. LAKSHMI ARUNACHALAM,

Plaintiff,

VS.

TRULIA, INC.,

Defendant

Case No.: CV 15-0024-JD

**PLAINTIFF DR. LAKSHMI  
ARUNACHALAM'S MOTION TO  
DISQUALIFY HON. JUDGE DONATO  
PURSUANT TO 28 U.S.C. §455 AND 28  
U.S.C. §144 AND NOTICE OF  
MOTION/HEARING AND REQUEST  
FOR RE-SCHEDULING HEARING ON  
MOTION TO DISMISS AFTER THE  
HEARING ON MOTION TO  
DISQUALIFY HON. JUDGE DONATO**

**Date of Hearing: April 15, 2015**  
**Time: 9:30 am,**  
**Location: Court Room 11, 19th Floor,**  
**San Francisco**

**PLAINTIFF DR. LAKSHMI ARUNACHALAM'S NOTICE OF  
MOTION/HEARING AND MOTION TO DISQUALIFY  
HONORABLE JUDGE DONATO PURSUANT TO 28 U.S.C. §455  
AND 28 U.S.C. §144**

1. Plaintiff, Dr. Lakshmi Arunachalam (“Dr. Arunachalam”), acting *pro se* on her own behalf, hereby files this Notice of Motion/Hearing to be held on April 15, 2015, at 9.30am in Court

Room 11, 19<sup>th</sup> floor, San Francisco or at a time convenient to the Court and moves that pursuant to 28 U.S.C. § 455(a), Honorable Judge Donato be disqualified from this case due to at least a relationship conflict of interest and possibly a financial conflict of interest (Judge Donato's financial disclosure statement is not available on the Web, as he was appointed a Judge in this Court only very recently) and the appearance of bias and prejudice such that his impartiality might reasonably be questioned. Plaintiff Dr. Arunachalam has requested a copy of Judge Donato's Financial Disclosure Report from the Committee on Financial Disclosure, to investigate if he has financial conflicts of interest.

2. Plaintiff Dr. Arunachalam respectfully requests that the Hearing date scheduled to be heard on April 1, 2015 for the Motion to Dismiss filed by Defendant Trulia needs to be moved to a date after the Hearing on the Motion to Disqualify Judge Donato, so that the Motion to Dismiss would be presided over by an impartial Judge.
3. A reasonable person would find the appearance of conflict of interest, bias and prejudice so that Judge Donato's impartiality might reasonably questioned.
4. In the Court website, it lists that Judge Donato had worked at Cooley law firm for many years before he became a Judge in this Court. Since the lawyers for Defendant Trinet Group, Inc. are from Cooley law firm, and because Judge Donato's interest is in Cooley's interests, and the Trulia case involves the same patent and the same subject matter as the Trinet case, Plaintiff hereby moves that the Judge recuse himself/be disqualified from presiding over this case. The California Canons of Judicial Ethics and the Code of Civil Procedure generally require recusal when a judge has a preexisting relationship with a party or litigant or financial interest in the litigation or other conflict of interest or, or when the facts are such

1 that a **reasonable person** aware of them might entertain a doubt about the judges  
 2 impartiality.


- 3  
 4 5. Plaintiff seeks only to be treated fairly and have judges who will decide this case on the  
 5 merits, without any appearance of conflict of interest, bias or prejudice.
- 6 6. Federal law requires a judge to “disqualify himself in any proceeding in which his  
 7 impartiality might reasonably be questioned.” 28 U.S.C. §455(a). Because section 455(a) is  
 8 intended to avoid even the appearance of partiality, (*Liljeberg.v. Health Services Acquisition*  
 9 *Corp.*, 486 U.S. 847, 860 (1988)), it is not the reality of bias or prejudice, but rather the  
 10 *appearance* of bias or prejudice that matters. *Liteky v. United States*, 510 U.S. 540, 548  
 11 (1994). Thus, so long as a judge’s impartiality might reasonably be questioned, recusal is  
 12 required “even though no actual partiality exists...because the judge actually has no interest  
 13 in the case or because the judge is pure in heart and incorruptible.” *Liljeberg*, 486 U.S. at  
 14 860. The standard for assessing whether section 455(a) requires disqualification is thus an  
 15 objective one that “involves ascertaining whether a reasonable person with knowledge of all  
 16 the facts would conclude that the judge’s impartiality might reasonably be questioned.”  
 17 *Preston v. United States*, 923 F.2d 731, 734 (9th Cir. 1991).
- 18 7. When the Court analyzes the appropriateness of disqualification, the Court must be guided  
 19 by the unique facts and circumstances of the matter before it; the Court “must bear in mind  
 20 that...outside observers are less inclined to credit judges’ impartiality and mental discipline  
 21 than the judiciary itself will be; and, in “a close case, the balance tips in favor of recusal.”  
 22 *United States v. Holland*, 519 F.3d 909, 912, 914 (9th Cir. 2008). In this case, the facts  
 23 would cause a reasonable person to conclude as follows: (a) Judge Donato’s impartiality  
 24 might reasonably be questioned.

8. The Supreme Court has never limited recusal requirements to cases in which the judge's conflict was with the parties named in the suit. The named parties, whether or not judges, are not the deciding factor. Rather the focus has consistently been on the question whether the relationship between the judge and an interested party was such as to present a risk that the judge's impartiality in the case at bar might reasonably be questioned by the public." Preston, supra, at 734. Here, the Judge's relationship conflicts of interest are aligned with Cooley's interest, and evince a relationship between the judge(s) and an interested party such as to present a risk that the judges' impartiality might reasonably be questioned by the public. Therefore, propriety dictates disqualification.
9. Plaintiff respectfully requests that she have a fair and impartial trial or hearing before the judge assigned to the case. Recusal under 28 U.S.C. § 455 is normally undertaken by a Judge sua sponte. A Judge is not precluded by any Rule from referring matters arising under 28 U.S.C. § 455 to the Clerk so that another Judge can determine disqualification of the assigned Judge.

### REQUEST FOR RELIEF

Plaintiff respectfully requests that: Hon. Judge Donato be disqualified from presiding over this case; Hon. Judge Donato recuse himself; and the Motion to Dismiss Hearing on April 1, 2015 be moved to a date after the Hearing on the Motion to Disqualify, so that it is presided over by an impartial Judge. A Certificate of Service is attached below.

Dated: March 5, 2015  
 222 Stanford Avenue, Menlo Park, CA 94025  
 Tel: 650.690.0995  
 Email: [laks22002@yahoo.com](mailto:laks22002@yahoo.com)

  
 Dr. Lakshmi Arunachalam  
 Pro-Se Plaintiff



1                                   **IN THE UNITED STATES DISTRICT COURT**  
2                                   **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
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5 DR. LAKSHMI ARUNACHALAM,

6                                   Plaintiff,

7 vs.

8 TRULIA, INC.,

9                                   Defendants  
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) Case No.: CV 15-0024-JD  
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) **PLAINTIFF DR. LAKSHMI**  
) **ARUNACHALAM'S MOTION TO**  
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) **PURSUANT TO 28 U.S.C. §455 AND 28**  
) **U.S.C. §144 AND NOTICE OF**  
) **MOTION/HEARING AND REQUEST**  
) **FOR RE-SCHEDULING HEARING ON**  
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) **HEARING ON MOTION TO**  
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) **Date of Hearing: April 15, 2015**  
) **Time: 9:30 am,**  
) **Location: Court Room 11, 19th Floor,**  
) **San Francisco**  
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17                                   **DECLARATION BY DR. LAKSHMI ARUNACHALAM**  
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19                   I, Dr. Lakshmi Arunachalam, presently at 222 Stanford Avenue, Menlo Park, CA 94025,  
20 am a party, namely, *Pro Se* Plaintiff, to the within action (or special proceeding), submit this  
21 declaration in support of Plaintiff Dr. Lakshmi Arunachalam's Motion to Disqualify Hon. Judge  
22 Donato pursuant to 28 U.S.C. §455 AND 28 U.S.C. §144.  
23

24                   I investigated Honorable Judge Donato's preexisting relationship conflicts of interest. I  
25 found that Judge Donato had worked at the Cooley law firm prior to becoming a Judge at this  
26 Court. I also noticed that the Counsel for Defendants Trinet Group, Inc. are from Cooley law  
27 firm.  
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1 It is my belief that Judge Donato's pre-existing relationship conflicts of interest with  
2 Defendant TRINET GROUP, INC. and their counsel poses a conflict of interest in this case  
3 against Trulia, Inc. due to the Judge's Cooley interests as the patent in this case is the same  
4 patent and the same subject matter, and would cause a reasonable person, such as myself, to  
5 conclude as follows: (a) Judge Donato's impartiality might reasonably be questioned, so as not  
6 to be prejudiced against the Plaintiff or the interest of the Plaintiff and not affect conducting a  
7 fair and impartial trial or hearing before the assigned judge, Honorable Judge Donato. I declare  
8 under the penalty of perjury under the laws of the United States of America that the foregoing is  
9 true and correct, to the best of my knowledge.  
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12 Respectfully submitted,

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14 Dated: March 5, 2015



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16 Dr. Lakshmi Arunachalam  
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17                                   **CERTIFICATE OF SERVICE on Defendant TRULIA, INC.**  
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20                   I, Dr. Lakshmi Arunachalam, do hereby certify that on March 5, 2015, I served a copy of  
21 the foregoing via electronic means via CM/ECF or electronic mail to Defendant Trulia, Inc., to  
22 their counsel of record Zac Cox and Clem Roberts at [zcox@durietangri.com](mailto:zcox@durietangri.com), and  
23 [croberts@durietangri.com](mailto:croberts@durietangri.com) of the attached "PLAINTIFF DR. LAKSHMI ARUNACHALAM'S  
24 MOTION TO DISQUALIFY HONORABLE JUDGE DONATO PURSUANT TO 28 U.S.C.  
25 §455 AND 28 U.S.C. §144 AND NOTICE OF MOTION/HEARING AND REQUEST FOR RE-  
26 SCHEDULING HEARING ON MOTION TO DISMISS AFTER THE HEARING ON  
27  
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1 MOTION TO DISQUALIFY HON. JUDGE DONATO,” “DECLARATION BY DR.  
2 LAKSHMI ARUNACHALAM,” and the proposed ORDER.  
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6

7 DATED: March 5, 2015  
8 [laks22002@yahoo.com](mailto:laks22002@yahoo.com)

Dr. Lakshmi Arunachalam  
222 Stanford Avenue  
Menlo Park, CA 94025  
650 690 0995